

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, GREENE, TODARO & MILLS**

RE: Ending the Covid19 State of Emergency in Erie County, Plan A

WHEREAS, On March 7, 2020 New York State Governor Andrew M. Cuomo declared a state of emergency to manage the state's response to the Covid19 pandemic; and

WHEREAS, On March 5, 2021 the New York State Legislature revoked most of the emergency powers granted to the Governor under the declared state of emergency; and

WHEREAS, the remaining powers granted to the Governor expired at the end of June 2021 and were not renewed by the Governor; and

WHEREAS, On March 15, 2020 Erie County Executive Mark C. Poloncarz declared a county-wide state of emergency to manage the County's response to the Covid19 pandemic; and

WHEREAS, County Executive Poloncarz utilized authority granted to him under New York State Executive Law Section 24-1 to initially declare the state of emergency and promulgate rules associated with it; and

WHEREAS, New York State Executive Law Section 24-1 permits the County Executive to continue the emergency declaration and its associated powers every 30 days and the power to promulgate local emergency orders to "protect life and property or to bring the emergency situation under control," which need to be renewed every 5 days, and he has extended both perpetually since his original declaration; and

WHEREAS, Erie County is the only county in New York State that remains in a perpetual state of emergency as part of its response to the Covid19 pandemic; and

WHEREAS, earlier this year this honorable body voted unanimously on a resolution that revoked local emergency powers granted to the County Executive for the purpose of managing the county's response to the Covid19 pandemic; and

WHEREAS, this honorable body can and should express its position on whether or not it is appropriate or necessary to continue the process of circumventing the democratic system of government that respects the system of checks and balances established between both the legislative and executive branches of government in favor of the County Executive continuing to govern in an authoritarian style; and

WHEREAS, therefore, it is incumbent upon elected legislators who represent the will of the people to send a very clear message to the County Executive as to whether or not we support or oppose the perpetual state of emergency, the powers and executive orders that come with it; and

WHEREAS, ending the declared state of emergency and restoring decision making authority to the Erie County Legislature is necessary at a time when the CDC reports that Erie County and all of our neighboring counties have high rates of transmission and community spread despite the current restrictions in place, which is indicative of the reality that the current strategy employed by County Executive Mark Poloncarz, who has had total control of the county's Covid19 response for nearly two years, is not working; and

WHEREAS, members of this honorable body called for robust rapid testing programs as early as September 2021 and again in December 2021 and they were rejected by the administration. At the same time, Monroe County implemented a rapid test program that purchased and distributed more tests than their population before the start of the holiday season and three months later, according to the CDC, Erie County's positivity and death rates are twice as high and the gap continues to grow as more data is reported; and

WHEREAS, it is time this honorable body acknowledges that the County Executive's strategy against Covid19 is not working and Erie County residents deserve more of their elected leaders at the decision-making table in order to achieve a better result.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body goes on record in opposition to the perpetual temporary state of emergency that has been declared in Erie County to manage the Covid19 pandemic since March 15, 2020 and hereby directs the County Executive to terminate it immediately; and, be it further

RESOLVED, that this honorable body understands the seriousness of the Covid19 pandemic and believes that the government's response to it should be fully determined by the people through the democratic process of allowing the County Executive to make recommendations to the Legislature, who will then debate the merits of his proposals and put them up for a vote of approval; and, be it further

RESOLVED, that this honorable body stands ready and willing to convene when necessary for the purpose of dealing with business related to the county's response to the Covid19 pandemic; and, be it further

RESOLVED, that the Clerk of the Legislature shall present certified copies of this resolution to Erie County Executive Mark C. Poloncarz and Members of the Western New York Delegation to the New York State Senate and Assembly.

Fiscal Impact: None